

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS

Khalif Hohney

(b) County of Residence of First Listed Plaintiff Lancaster PA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Brian R Mildenberg, Mildenberg Law, 1735 Market Street Ste. 3750,
Phila, Pa 19103; 215-545-4870 (additional counsel listed in complaint)

DEFENDANTS

Clark Filters Inc

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | PTF | DEF | PTF | DEF |
|---------------------------------------|---------------------------------------|----------------------------|----------------------------|
| <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
- Citizen of This State
- Citizen of Another State
- Citizen or Subject of a Foreign Country
- Incorporated or Principal Place of Business In This State
- Incorporated and Principal Place of Business In Another State
- Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER/STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)
Title VII, 42 USC Section 1981 & 1985

Brief description of cause
Plaintiff has been discriminated against due to his race

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

11/19/2018

NOV 20 2018

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE

EGS

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

18

3065

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 512 N. Queen Apt 3 Lancaster PA 17603

Address of Defendant: 3649 Hempland Rd Lancaster PA 17601

Place of Accident, Incident or Transaction: Philadelphia Police Department

RELATED CASE, IF ANY:

Case Number _____ Judge AK Date Terminated _____Civil cases are deemed related when **Yes** is answered to any of the following questions

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above

DATE 11/19/2018

Brian R Mildenberg

PA 84861

Attorney-at Law / Pro Se Plaintiff

Attorney ID # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1 Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2 FELA
- ☐ 3 Jones Act-Personal Injury
- ☐ 4 Antitrust
- ☐ 5 Patent
- ☐ 6 Labor-Management Relations
- ☒ 7 Civil Rights
- ☐ 8 Habeas Corpus
- ☐ 9 Securities Act(s) Cases
- ☐ 10 Social Security Review Cases
- ☒ 11. All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

- ☐ 1 Insurance Contract and Other Contracts
- ☐ 2 Airplane Personal Injury
- ☐ 3 Assault, Defamation
- ☐ 4 Marine Personal Injury
- ☐ 5 Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify) _____
- ☐ 7 Products Liability
- ☐ 8 Products Liability - Asbestos
- ☐ 9 All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

Brian R Mildenberg

I, _____, counsel of record or pro se plaintiff, do hereby certify

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs.☒ Relief other than monetary damages is sought

DATE 11/19/2018

/s/ Brian R Mildenberg

PA 84861

Attorney-at-Law / Pro Se Plaintiff

Attorney ID # (if applicable)

NOTE A trial de novo will be a trial by jury only if there has been compliance with F R C P 38

NOV 20 2018

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Hohney

v.

Clark Filter

CIVIL ACTION

18

5065

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

11/20/2018

/s/ Brian R Mildenberg

Plaintiff

Date

Attorney-at-law

Attorney for

215-545-4870

215-545-4871

brian@mildenberglaw.com

Telephone

FAX Number

E-Mail Address

(Civ. 660) 10/02

NOV 20 2018

#400 EGS
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

KHALIF HOHNEY

Plaintiff

v.

CLARK FILTER, INC.

Defendant.

Civil Action No.:

COMPLAINT

18

0065

To remedy discrimination on basis of African American
Race/skin color.

Jury Trial Demanded

FILED
NOV 23 2018
BY KAL

Khalif Hohney, by and through his undersigned attorneys, complaining of Defendant, Clark Filter, brings the instant action requesting judgment in his favor, and against Defendant, and in support thereof, alleges, upon information and belief, as follows:

NATURE OF ACTION

1. Plaintiff, Khalif Hohney, brings this lawsuit against Defendant, Clark Filter, to remedy racial discrimination on the part of Clark Filter. Clark Filter subjected Plaintiff to racial discrimination and a hostile and discriminatory work environment in violation of federal laws.

PARTIES

2. Plaintiff, Khalif Hohney, is an adult individual, residing at 512 N. Queen Street, Apt. 3, Lancaster, PA 17603. Plaintiff is African American male.

3. Defendant, Clark Filters, located at 3649 Hempland Road, Lancaster, PA 17601. Clark Filter, Inc. manufactures filters for railroad, and marine and industrial. Clark Filter is a publicly traded corporation and operates as a subsidiary of CLARCOR, Inc. Upon information and belief, the majority of Defendant employees are white.

JURISDICTION AND VENUE

4. The above paragraphs are incorporated herein by reference.

5. Jurisdiction in this Honorable Court is based on federal question 28 U.S.C. §1331; supplemental jurisdiction over state law claims is granted by 28 U.S.C. §1367.

6. Venue is proper in the Eastern District of Pennsylvania, as the facts and transactions involved in the discrimination complained of herein occurred in large part in this judicial district, in Lancaster County, Pennsylvania.

STATEMENT OF FACTS

7. The above paragraphs are incorporated herein by reference.

8. In or about December of 2017, Plaintiff was hired as a temporary employee for Defendant.

9. In a series of unlawful, deliberate and discriminatory acts, Defendant has created a racist environment for its employees.

10. The discriminatory and racist actions taken against Plaintiff included but are not limited to fellow employees:

a. Calling Plaintiff, "colored";

- b. Telling Plaintiff that that his kids were evil because they are black and Puerto Rican;
- c. Telling Plaintiff that he was “cute for a black guy”;
- d. Caucasian employees telling Plaintiff what he would never be a permanent employee because he was black.
- e. A Caucasian employee telling Plaintiff to sit in the back of the car when then went out on break because he was black.

11. In or around May, 2018, the Plaintiff was asked to become a permanent employee. At that time, the Plaintiff was hesitant considering all the racial slurs and acts of discrimination that he had experienced.

12. About this same time, Plaintiff reported the racial slurs and discriminatory action to Clark Management.

13. Plaintiff advised that, Karen, a team lead in his department was one of the people who had been involved the racist actions.

14. After his complaint to management, Plaintiff was moved to another department and his hours were cut. He had been working 60 hours weekly, but was now working less than 40 per week.

15. Defendant was retaliating against the Plaintiff for raising complaints of discriminatory conduct.

16. Plaintiff was written up allowing letting bad filters go through the production line which was untrue. Plaintiff had flagged those filters, but the team leaders allowed them to go through anyway. The team leader, Lisa was not written up. Lisa had previously been suspended for saying racially discriminatory remarks regarding another African-American co-worker.

17. Lisa had also written up the Plaintiff for two approved absences. She told him the he could not get a permanent job until he got the points off his record that she had intentionally place their as part of her discriminatory pattern and habit.

18. The actions of Defendant caused Plaintiff was intimidated and scared as he had done nothing wrong.

19. Plaintiff felt that his only choice was to resign. Plaintiff resigned in or around May 28, 2018.

20. The actions of the Defendant were acts of discrimination, with no valid business purpose or justification.

21. Plaintiff was unfairly targeted and discriminated against solely based on the color of his skin.

22. The actions of the Defendant have caused Plaintiff to suffer substantial shame and embarrassment.

23. Plaintiff has exhausted said remedies after filing with the EEOC and other state agencies and has obtained a right to sue.

COUNT I
42U.S.C. Sec. 1981
DISCRIMINATION IN THE MAKING
AND ENFORCEMENT OF CONTRACTS
BASED UPON RACE

24. The above paragraphs are incorporated herein by reference.

25. Clark Filter evidenced a settled intent to discriminate against Plaintiff by interfering with Plaintiff's rights to the performance and enjoyment of his contract of employment

26. Clark Filter intentionally restricted the Plaintiff's contractual benefits based upon illicit discrimination.

27. The aforesaid conduct of Clark Filter was intentional and undertaken in reckless disregard for the federally protected civil rights of Plaintiff.

28. Because of the said violation of 42 U.S.C. § 1981, Plaintiff has suffered discrimination, humiliation, embarrassment, and other harms, and is entitled to entry of judgment in his favor, and against Defendant, together with an award of declaratory and injunctive relief, damages, and ancillary relief as provided by 42 U.S.C. § 1988.

COUNT II.
42U.S.C. Sec. 1985
Civil Rights Conspiracy

29. The foregoing paragraphs are incorporated herein by reference.

30. The foregoing conduct of Defendant violates Plaintiffs' rights pursuant to 42 U.S.C. Sec. 1985, which proscribes any agreement or conspiracy to violate Plaintiffs' federally protected civil rights, including those rights under 42 U.S.C. Sec. 1981.

COUNT III.
VIOLATION OF TITLE VII

31. The above paragraphs are hereby incorporated herein by reference.

32. By committing the foregoing acts of discrimination against Plaintiff, Defendant has violated Title VII.

33. Said violations were done with malice and/or reckless indifference, and warrant the imposition of punitive damages.

34. As a direct and proximate result of Defendant violation of Title VII, Plaintiff has suffered the damages and losses set forth herein and has incurred attorney's fees and costs.

35. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendant discriminatory acts unless and until this Court grants the relief requested herein.

COUNT IV.
VIOLATION OF THE PENNSYLVANIA HUMAN RELATIONS ACT (PHRA)

36. The above paragraphs are hereby incorporated herein by reference.

37. The above acts and practices of Defendant constitute unlawful discriminatory employment practices under the Pennsylvania Human Relations Act.

38. As a result of Defendant's discriminatory acts, Plaintiff has suffered and shall continue to suffer monetary damages and damages for mental suffering and humiliation unless and until the Court grants relief.

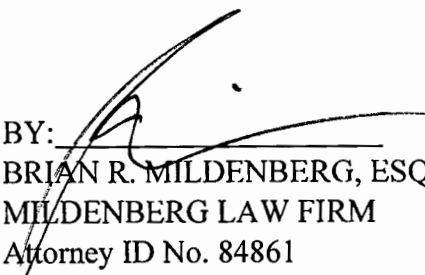
COUNT V.
HOSTILE WORK ENVIRONMENT

39. The above paragraphs are incorporated herein by reference.

40. The foregoing actions of Defendant created a hostile work environment that was severe and pervasive and that altered the terms and conditions of Plaintiff's employment

WHEREFORE, Plaintiff demands judgment in his favor and against Defendant individually, jointly and/or severally, together with interest, costs, punitive damages, attorney's fees and such other and further relief as this Honorable Court deems just, including equitable injunctive relief.

Respectfully Submitted,

BY: 
BRIAN R. MILDENBERG, ESQ
MILDENBERG LAW FIRM
Attorney ID No. 84861
1735 Market Street, Ste. 3750
Philadelphia, PA 19103
215-545-4870
Fax: 215-545-4871
Attorney for Plaintiff

DATED: November 20, 2018

BY: /s/ Matthew Weisberg
MATTHEW B. WEISBERG, ESQ
WEISBERG LAW
Attorney ID No. 85570
7 South Morton Ave. 19070
Morton, PA
610-690-0801
Fax: 610-690-0880
Attorney for Plaintiff

BY: /s/ Gary Schafkopf
GARY SCHAFKOPF, ESQ
SCHAFKOPF LAW, LLC
Attorney ID No. 83362
11 Bala Ave
Bala Cynwyd, PA 19004
610-664-5200 Ext 104
Fax: 888-238-1334
Attorney for Plaintiff

DATED: November 20, 2018

Mildenberg Law Firm

1735 Market Street, Suite 3750 | Philadelphia, PA 19103
t: 215-545-4870 | f: 215-545-4871 | brian@mildenberglaw.com

November 20, 2018

Clerk, U.S. District Court, ED of PA
U.S. Courthouse
601 Market Street, Room 2609
Philadelphia, PA 19106

Re: Hohney v. Clark Filters

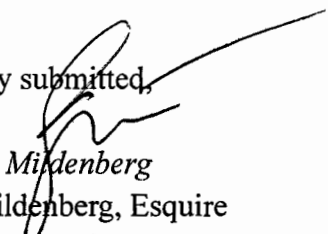
Dear Sir/Madam:

Enclosed please find one (1) original of Plaintiff's Civil Action Complaint, along with a CD containing a .pdf version of same, and a check in the amount of \$400.00 from my co-counsel for the filing fee in this matter.

Kindly file the original Complaint and issue Summons to the undersigned.

Thank you for your kind attention to this matter.

Respectfully submitted,


/s/ Brian R. Mildenberg
Brian R. Mildenberg, Esquire
Mildenberg Law Firm
Attorney ID # 84861
brian@mildenberglaw.com